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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,555	03/13/2001	Gregory D. Gudorf	SONY 3.0-019	2660

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EXAMINER

SIMITOSKI, MICHAEL J

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,555

Applicant(s)

GUDORF ET AL.

Examiner

Michael J. Simitoski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-21, 23-29, 32 and 35-38 is/are rejected.
- 7) ☒ Claim(s) 15, 22, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The response of 7/26/2005 was received and considered.
2. Claims 1-32 & 35-38 are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-32 & 35-38 have been considered but are moot in view of the new ground(s) of rejection. However, to clarify the Examiner's position on certain claim language, several comments are given.
4. Applicant's response (pp. 18-20) argues that the Examiner's interpretation of the limitation "age data" effectively eliminates the term "age" from the phrase. However, it is the Examiner's opinion that "age data" is defined as data representing a user's age. For instance, if some data on the client can be construed by one of ordinary skill in the art to represent the user's age, that data is "age data". For example, a credit card number can be used to indicate a user's age, especially as it is was commonly used as an age-verification mechanism on the Internet at the time the invention was made. Further, if a viewing level (privilege, permissions, etc.) is set based on a user's age, then the data containing the viewing level is "age data", indicative of a user's age.

Drawings

5. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because some drawings are hand-written and difficult to read and/or are not aligned with the pages. Applicant is advised to employ the services of a competent patent draftsman

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outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

6. Claims 14 & 17 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim recites omitting steps in the independent claim, broadening the scope. If the steps are “omitted”, rather than for instance prevented or inhibited, etc., the claim does not further limit the subject matter of the previous claim.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 14 & 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 14, the claim is indefinite because the scope of the claim (limitations read in from the depending claims) is unclear if the value of the age information contained in personal information satisfies said cut-off value.

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Regarding claim 14, "satisfying a cut-off value" is ambiguous because a cut-off value can be an upper, lower or any other bound and satisfying the cut-off can comprise a comparison of any or multiple of those bounds.

Regarding claim 17, the claim is indefinite because steps are conditionally being omitted from a previous claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,704,787 to **Umbreit**. Umbreit discloses storing age data representative of said user's age on a client of said network (col. 6, lines 20-22), after said step of storing, sending a request to said server for access to said content (col. 7, lines 53-55), receiving a request for said age data/access code in response to said request for access to said content (col. 7, lines 59-60), providing the age data/access code in response to said request for said age data/access code (col. 7, lines 59-60) and gaining access or being denied access to said content dependant upon whether said age data indicates that said user is older than said particular age (col. 6, lines 37-50 & col. 7, lines 60-65).

Claim Rejections - 35 USC § 103

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11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-4, 8, 16 & 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,718,328 to **Norris** in view of U.S. Patent 6,101,482 to DiAngelo et al. (**DiAngelo**).

Regarding claims 1-2, 4, 8, 32 & 35-36, Norris discloses receiving a request for information/movie (col. 4, lines 33-37) from a user of a processing device/user's computer, receiving with at least one processor, personal information/credit card information (col. 5, lines 28-32) associated with said user, said personal information including an address/user address and age information/credit card information (col. 5, lines 28-32), sending a permission request/authenticated URL to said address/user address (col. 5, lines 26-33), said permission request including a request for permission to provide information to said user (contains authenticated URL) (col. 4, lines 54-55), receiving permission in response to said permission request/authenticated URL is clicked (col. 4, lines 54-55), and sending information/movie to said user of the processing device/user computer in response to said request for information (col. 5, lines 36-38). Norris lacks the information being pre-stored by the processing device of the user. However, DiAngelo teaches that by storing a credit card number in a client-side cookie, the user will not have to re-input the information each time (col. 5, lines 31-49). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Norris to pre-store the personal information. One of ordinary skill in the art would have been

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motivated to perform such a modification to allow the client to automatically send the personal information, as taught by DiAngelo (col. 5, lines 31-49).

Regarding claim 3, Norris discloses sending a username (col. 5, lines 6-18).

Regarding claim 16, Norris lacks explicit disclosure of sending a notification is another request for information is received. However, Norris discloses that each time a request is received, a request for permission/authenticated URL is sent. Therefore, it is inherent that another authenticated URL (notification) would be sent if another request was submitted for one.

13. Claim 1, 5, 8, 13 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,944,776 to Lockhart et al. (**Lockhart**) in view of **Umbreit**. Lockhart discloses receiving a request for access to content/permit from the user of a client of the network (col. 21, lines 40-48), receiving personal information (user ID, email address, credit card information) regarding the user, said personal information including data representative of a user's age/credit card and an email address on said network (col. 21, lines 40-48), sending an email to said address indicating said request was received (col. 7, lines 41-53), sending the content/permit to said user if a permission response is received in response to said email (col. 7, lines 41-53). Lockhart lacks the personal information being pre-stored and lacks sending an email if the age data indicates the user is older than a particular age. However, Umbreit teaches that to verify that a user is older than a particular age (col. 3, lines 10-20), an access code can be issued to a user to be given to content sites, which allows the content site to verify the user is older than a particular age (col. 6, lines 17-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lockhart to send a pre-stored (received in

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email) access code from the client to the clearinghouse, and to cause the clearinghouse to verify the access code, to verify the user is older than a particular age. One of ordinary skill in the art would have been motivated to perform such a modification to allow access to data requiring a particular rating, as taught by Umbreit (col. 3, lines 10-20 & col. 6, lines 17-50).

14. Claims 6-7, 23-29 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,944,776 to Lockhart et al. (**Lockhart**) in view of **Umbreit**, in further view of U.S. Patent 6,688,891 to **Sanford**.

Regarding claims 6-7, 23-25, 27-28 & 32, Lockhart discloses receiving a request for access to content/permit from the user of a client of the network (col. 21, lines 40-48), receiving personal information (user ID, email address, credit card information) regarding the user, said personal information including data representative of a user's age/credit card and an email address on said network (col. 21, lines 40-48), sending an email to said address indicating said request was received (col. 7, lines 41-53), sending the content/permit to said user if a permission response is received in response to said email (col. 7, lines 41-53). Lockhart lacks the personal information being pre-stored and lacks sending an email if the age data indicates the user is older than a particular age. However, Umbreit teaches that to verify that a user is older than a particular age (col. 3, lines 10-20), an access code can be issued to a user to be given to content sites, which allows the content site to verify the user is older than a particular age (col. 6, lines 17-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lockhart to send a pre-stored (received in email) access code from the client to the clearinghouse, and to cause the clearinghouse to verify the access code, to

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verify the user is older than a particular age. One of ordinary skill in the art would have been motivated to perform such a modification to allow access to data requiring a particular rating, as taught by Umbreit (col. 3, lines 10-20 & col. 6, lines 17-50). As modified, Lockhart lacks sending the requested content to the processing device based on whether another user replies to said request to permit access. However, Sanford teaches a system where parents received and respond to email messages (col. 28, lines 24-31) from teachers (col. 29, lines 28-42) to give parental approval (such as for permission slips) (col. 3, lines 51-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Lockhart system to have a parent respond to the request for permission (email with authenticated URL) to download the content. One of ordinary skill in the art would have been motivated to perform such a modification to give parental permission to download the content, as taught by Sanford (col. 3, lines 51-53, col. 28, lines 24-31 & col. 29, lines 28-42).

Regarding claims 26 & 29, Lockhart, as modified above, lacks entering a password each time a browser is executed. However, the examiner takes Official Notice that requiring a password to access an application is old and well established in the art of computer security as a method of controlling who is able to use the browser and loading personalized settings. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to require entry of a password each time a browser is opened and only send the personal information if the correct password has been entered. One of ordinary skill in the art would have been motivated to perform such a modification to load personalized settings and control access to the browser. This advantage is well known to those skilled in the art.

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15. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Norris and DiAngelo**, as applied to claim 8 above, in further view of U.S. Patent 6,167,382 to Sparks et al. (**Sparks**). Norris, as modified above, lacks where the information is sent back to the user for accuracy verification. However, Sparks teaches an Internet commerce system that boasts the benefit of allowing the design and purchasing of products from a single entry point in a computer system (col. 1, lines 5-16). Sparks also teaches the entry of billing information (credit card) (Fig. 60) and the sending of that information back to a user for confirmation of its accuracy (Fig. 61) and chooses "cancel" to return to supply the correct information (Fig. 61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to send the credit card information back to the user for accuracy verification. One of ordinary skill in the art would have been motivated to perform such a modification to verify data entered while purchasing products, as taught by Sparks (col. 1, lines 5-16, Fig. 60 & Fig. 61).

16. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Norris and DiAngelo**, as applied to claim 8 above, in further view of U.S. Patent 5,963,915 to **Kirsch**. Norris, as modified above, lacks the option not to supply the credit card information and lacks prompting the user to enter the information if the user had opted not to include it in the request. However, Kirsch teaches that the use of cookies to store account/billing information is useful because it allows the user to be authenticated via a pre-established relationship (col. 7, lines 58-62). The cookie (which is just a piece of data, often encrypted, that contains information about the sender) can be sent with the request to process a transaction; if the cookie is not present, the user is prompted to enter the information required for the purchase (col. 7, line 55 – col. 8, line

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20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was to give the user the option to include the credit card information in a request for information/registration and to prompt the user for the credit card information if the user opted not to include it in the original request (established a pre-established relationship). One of ordinary skill in the art would have been motivated to perform such a modification to allow the user to utilize a pre-established relationship for authentication and to establish a new one if a relationship hadn't been previously established, as taught by Kirsch (col. 7, line 55 – col. 8, line 20).

17. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Umbreit**, as applied to claim 18 above, in further view of “Net Nanny Features and Benefits” by Foster & Associates (**Foster**). Umbreit, as modified above, lacks maintaining a log of each request for content. However, Foster teaches that the Net Nanny software can be configured to “log all URLs accessed” (page 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Umbreit to maintain a log of each request for content. One of ordinary skill in the art would have been motivated to perform such a modification to gain the benefits of monitoring data access through a PC, as taught by Foster (pages 1-2).

18. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Norris and DiAngelo**, as applied to claim 36 above, in further view of “Free On-Line Dictionary” by **LinuxGuruz**.

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Regarding claim 37, Norris, as modified above, lacks a Java applet. However, LinuxGuruz teaches that Java is a web language that is platform independent that uses “applets” (page 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Java applets. One of ordinary skill in the art would have been motivated to perform such a modification to gain the freedom of platform-independence, as taught by LinuxGuruz (page 3).

Regarding claim 38, Norris lacks specifically implementing the system in a browser plug-in. However, LinuxGuruz teaches that plug-ins are used to extend the functionality of a parent application, such as a web browser (page 5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the method in a browser plug-in. One of ordinary skill in the art would have been motivated to perform such a modification to extend the functionality of the browser, as taught by LinuxGuruz (page 5).

Allowable Subject Matter

19. Claims 15, 22 & 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841.

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The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m.. The examiner can also be reached on alternate Fridays from 6:45 a.m. - 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached at (571) 272-3838.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:


(571) 273-8300
(for formal communications intended for entry)

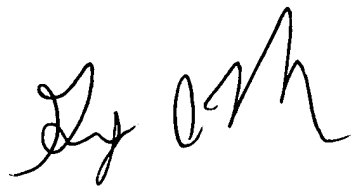
Or:

(571) 273-3841 (Examiner's fax, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MJS
September 20, 2005


GREGORY MORSE
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